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RANDY LEE HALL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RANDY LEE HALL,

Plaintiff,

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION ("AMTRAK"), JONATHAN
STASKA, Engineer Driver, DENISE HOGG,
Conductor, MICHAEL JOHN TORRENCE,
Assistant Conductor, BNSF RAILWAY
COMPANY, and DOES 1 through 50 inclusive,

Defendants.

Case No.: 3:19-cv-02312-WHA

PLAINTIFF'S SECOND AMENDED
COMPLAINT FOR DAMAGES

1. Negligence of Carrier
2. Public Utilities Code § 2106 Liability
3. Dangerous Condition Creating Risk of Great Bodily Injury and Death
4. Negligent Infliction of Emotional Distress
5. Wrongful Death

COMES NOW Plaintiff, RANDY LEE HALL, by and through undersigned counsel, and both individually and as a successor in interest to the estate of DEJANI MONETTE HALL, deceased, for the following causes of action against defendants, and each of them, alleges on information and belief the following:

INTRODUCTION

1. This is a wrongful death and personal injury action arising out of the injury to and death of DEJANI MONETTE HALL, on and around 7:00 p.m. Pacific Standard Time, August 4, 2016, along the railroad tracks near the intersection of Glen and Santa Fe Avenues in Merced, California and along a stretch of tracks and land that is owned, controlled, operated, supervised, managed,

1 secured, patrolled and/or maintained by defendants, BNSF RAILWAY COMPANY and/or
2 AMTRAK, and each of them.

3 2. This area of track is and was, at all relevant times, known by defendants, and each of them,
4 to be a local, specific individual safety hazard as they knew that this section of track was located
5 between Hoover Middle School and a populated residential area with children that regularly,
6 consistently and continuously crossed the tracks to get to and from school.

7 3. Defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, knew
8 or should have known that their failure to construct fencing or other impediment between the
9 tracks and the trail along the northside of the tracks and dirt road along the southside of this
10 section of track constituted actual or constructive permission and/or authorization by children and
11 others to walk over and along the tracks as it created such extensive public use and access of the
12 tracks and land along this section of tracks that, by failing to construct fencing to prevent access
13 along and over the tracks, defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and
14 each of them, had given the children and others that walked along and over the tracks constructive
15 or actual permission, authority and license to walk along and over the tracks.

16 4. This permission, authority and license was created by defendants, BNSF RAILWAY
17 COMPANY and/or AMTRAK, and each of them, because they failed to construct fencing or
18 other impediments to prevent children and others from walking along and over the tracks and
19 travelling along that stretch of tracks despite knowing that children and others regularly,
20 continuously, unimpeded and uninterrupted walked along and over the tracks along that stretch
21 of track.

22 5. Despite knowing that their failure to construct fencing or other impediments to prevent
23 children and others from regularly, continuously, unimpeded and uninterrupted walking along
24 and over the tracks along that stretch of track created a local, specific individual safety hazard to
25 children and others who crossed over and walked along the tracks, Defendants did not construct
26 fencing or other impediments to prevent children and others from walking over and along the
27 tracks.

28 6. Such failure by BNSF RAILWAY COMPANY and/or AMTRAK, and each of them,
constituted actual or constructive permission, authority and license to walk along and over the
tracks by BNSF RAILWAY COMPANY and/or AMTRAK, and each of them.

7. Despite their knowledge of this local, specific individual safety hazard created by BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, continued to permit, authorize or ratify trains travelling through this area at speeds of 60 miles per hour as authorized by 49 C.F.R. 213.9.

8. Because such conduct of defendants, and each of them, exhibited a reckless and wanton indifference to the life of DEJANI MONETTE HALL and others, Plaintiff asks this Court to award him for damages in sufficient amount to compensate him for the loss of his daughter DEJANI MONETTE HALL, for his pain and suffering and loss of company and comfort caused by that loss, and to cause defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, to take such steps as are necessary to reduce the risk of great bodily and death to children and others along this stretch of track in the future.

JURISDICTION AND VENUE

9. This Court has original jurisdiction over this action and the claims asserted against defendant, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK (herein referred to as "AMTRAK") under 28 U.S.C. § 1331 because AMTRAK was incorporated by an Act of Congress, 45 U.S.C. §§ 501, et seq., and the United States owns more than 50% of AMTRAK's capital stock. 28 U.S.C. § 1349; *In Re Rail Collision Near Chase*, Maryland, 680 F. Supp. 728, 731 (D. Md. 1987). (Exhibit 1 - National Railroad Passenger Corporation's Certification of Interested Parties filed in this matter on May 2, 2019).

10. The action and the claims against the other named defendants, (with the exception of BNSF RAILWAY COMPANY) who are represented by counsel for AMTRAK, were removed on motion of counsel, from the Superior Court of the State of California, County of Contra Costa, under 28 U.S.C § 1441, with the consent of the other named defendants. As a result of their joinder in the Notice to Remove and consent to the removal of the action and claims to this Court, this Court has jurisdiction over this action and the claims against the other named defendants (With the exception of BNSF RAILWAY COMPANY). (Exhibit 2 - Notice of Removal filed in this matter on April 29, 2019, p 2, lines 26-27.).

11. This Court has supplemental jurisdiction over Plaintiff's claims that arise under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

12. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all or a substantial part of the events or omissions giving rise to the claims herein alleged occurred in this district and all defendants reside in or are or were engaged in doing business in Merced County and this Court's district at all relevant times or have consented to this Court as being the proper venue.

PARTIES

13. Plaintiff, RANDY LEE HALL, is a competent adult and the surviving father of the deceased, DEJANI MONETTE HALL, and brings this action individually and as the successor-in-interest to the deceased, DEJANI MONETTE HALL.

14. Plaintiff, RANDY LEE HALL, is entitled to bring this action as the successor-in-interest for the wrongful death of the deceased, DEJANI MONETTE HALL, pursuant to California Code of Civil Procedure § 377.60, based on his relationship as her father and as the duly appointed, qualified, and acting personal representative of the estate of decedent. (Exhibit 3 – Order of Probate, Superior Court of California, Contra Costa County, Case number P19-01290; Exhibit 4 – Letters of Special Administration, Superior Court of California, Contra Costa County, Case number P19-01290).

15. Defendant, AMTRAK, is a District of Columbia corporation that was authorized to be created by the *Rail Passenger Act*, 49 U.S.C. § 24101, et seq., with its principal place of business in California located at their Los Angeles Field Office which is located at 810 N. Alameda St., Suite 129, Los Angeles, California.

16. Defendant, AMTRAK, is, and at all times mentioned in this Complaint, was doing business throughout the State of California including, but not limited to, Merced, County, California and the City of Merced with its principal place of business in Merced County being the Merced Depot located at 324 West 24th Street in the City of Merced which is owned, operated, and maintained by defendant, AMTRAK. Defendant, AMTRAK, in some manner, either solely or individually, owned, controlled, operated, supervised, managed, secured, patrolled and/or maintained the area of railroad tracks that defendant, AMTRAK, was travelling on at around 7:00 p.m., on August 4, 2016 when AMTRAK train number 71704 struck, injured and killed DEJANI MONETTE HALL.

17. Defendant, AMTRAK, is, and at all times herein mentioned was, a common carrier of passengers for reward, and as such offered the use of railroad cars owned by defendant, AMTRAK, with operators employed by defendant, AMTRAK, to the public for hire in and

1 between various points in Merced County, California and, as such, defendant, AMTRAK, is, and
2 all times herein mentioned was, a “public utility” as defined by California Public Utilities Code
3 § 216

4 18. Defendant, AMTRAK, as a public utility is liable for all loss, damages or injury caused
5 by or resulting from any act, matter or thing they do, cause to be done, permit to be done, or omit
6 to do that is unlawful and are liable for exemplary damages if such act, matter or thing they do,
7 cause to be done, permit to be done or omit to do is willful.

8 19. At all times mentioned herein, Defendant, JONATHAN STASKA, was an employee of
9 defendant, AMTRAK, was the engineer operating AMTRAK train number 71704, at the time
10 DEJANI MONETTE HALL was struck and injured and killed on and around 7:00 p.m., on
11 August 4, 2016, and was an agent and employee of defendant, AMTRAK, and, and in doing the
12 things herein alleged, was acting within the scope of his authority as an agent and employee of
13 defendant, AMTRAK, and with the consent and permission of defendant AMTRAK.

14 20. At all times mentioned herein, Defendant, DENISE HOGG, was an employee of
15 defendant, AMTRAK, was the conductor of AMTRAK train number 71704, at the time DEJANI
16 MONETTE HALL was struck, injured and killed on and around 7:00 p.m., on August 4, 2016,
17 and was an agent and employee of defendant, AMTRAK, and, and in doing the things herein
18 alleged, was acting within the scope of his authority as an agent and employee of defendant,
19 AMTRAK, and with the consent and permission of defendant AMTRAK

20 21. At all times mentioned herein, Defendant, MICHAEL JOHN TORRENCE, was an
21 employee of defendant, AMTRAK, was the assistant conductor of AMTRAK train number 71704,
22 at the time DEJANI MONETTE HALL was struck, injured and killed on and around 7:00 p.m.,
23 on August 4, 2016, and was an agent and employee of defendant, AMTRAK, and, and in doing
24 the things herein alleged, was acting within the scope of his authority as an agent and employee
25 of defendant, AMTRAK, and with the consent and permission of defendant AMTRAK.

26 22. Defendants, JONATHAN STASKA, DENISE HOGG, and MICHAEL JOHN
27 TORRENCE consented to the removal of the action and claims to this Court and, as such, this
28 Court has jurisdiction over this action and the claims against them. (Supra, Paragraph 3. See also,
Exhibit 2 - Notice of Removal filed in this matter on April 29, 2019, p 2, lines 26-27.)

23. Defendant, BNSF RAILWAY COMPANY, is a Delaware corporation (Exhibit 5 – Amended Statement by Foreign Corporation filed January 21, 2005) with its principal place of business in California located at 740 Carnegie Drive, San Bernardino, California 92408.

24. Defendant, BNSF RAILWAY COMPANY, is and at all times mentioned in this Complaint was doing business throughout the State of California including, but not limited to, Merced, County, California and in some manner, either solely or individually, owned, controlled, operated, supervised, managed, secured, patrolled and/or maintained the area of railroad tracks that defendant, AMTRAK, was travelling on at around 7:00 p.m., on August 4, 2016 when AMTRAK train number 71704 struck and injured and killed DEJANI MONETTE HALL.

25. Defendant, BNSF RAILWAY COMPANY, is, and all times herein mentioned was, a common carrier of persons and/or property for reward, and as such offered the use of railroad cars owned by defendant, BNSF RAILWAY COMPANY, with operators employed by defendant, BNSF RAILWAY COMPANY, to the public for hire in and between various points in Merced County, California and, as such, defendant, BNSF RAILWAY COMPANY, is, and all times herein mentioned was, a “public utility” as defined by California Public Utilities Code § 216.

26. Defendant, BNSF RAILWAY COMPANY, as a public utility is liable for all loss, damages or injury caused by or resulting from any act, matter or thing they do, cause to be done, permit to be done, or omit to do that is unlawful and are liable for exemplary damages if such act, matter or thing they do, cause to be done, permit to be done or omit to do is willful.

27. Defendants DOES 1 through 50, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to plaintiff. When their true names and capacities are ascertained, plaintiff will amend this complaint by inserting their true names and capacities herein. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff’s damages as herein alleged were proximately caused by such defendants.

GENERAL ALLEGATIONS

28. On and around 7:00 p.m. Pacific Standard Time, August 4, 2016, the deceased, DEJANI MONETTE HALL, was walking westbound along the southside or western traffic side of railroad tracks that are in some manner, either jointly or individually, owned, controlled, operated, supervised, managed, secured, patrolled and/or maintained by defendants, BNSF RAILWAY COMPANY, and/or by AMTRAK, and each of them.

1 29. The area of track on which DEJANI MONETTE HALL walked is located near the
2 intersection of Santa Fe and Glen Avenues in the City of Merced between Hoover Middle School
3 and a highly populated residential area. Hoover Middle School is immediately to the north of the
4 northside or east bound track on Santa Fe Avenue. The highly populated residential area is located
5 immediately to the south of the tracks. Both sides of the tracks contain trails with the south side
6 containing both trails and a dirt road that is used by children and others to access the
7 neighborhoods to the south and to cross over to Santa Fe Avenue and the Hoover Middle School.
8 This area is also known to be regularly utilized by homeless and other transient people such that
9 the area along the tracks where there are trees and shrubs is avoided by walking up and on and
10 along the tracks. The southside of the tracks in this area is known by the defendants and each of
11 them, to be utilized by pedestrian traffic because all pedestrian traffic that accesses the south side
12 of the tracks from the north side through the pedestrian underpass must use the trail on the
13 southside of the tracks to access the residential area to the south of the tracks, Glen Avenue to the
14 east, and G Street to the west. The trail along the southside of the tracks is also the entrance point
15 to a pedestrian underpass which leads under the tracks to Santa Fe Avenue. Because of the smell
16 of urine, human waste and the perceived risk of confrontation or victimization by persons in and
17 around the underpass, children and pedestrian traffic cross over the tracks rather than use the
18 pedestrian underpass.

19 30. The underpass was constructed because of known risk of death or great bodily injury to
20 children and others who regularly crossed over the tracks in this area to pass from the southside
21 (residential neighborhood) to the Hoover Middle School and/or the northside (Santa Fe Avenue).
22 The underpass, however, is only accessed through the trails that run along the south and north of
23 the tracks. This regular traffic by children and others crossing over the tracks and along the trails
24 to the south and north of the tracks in this area is well known to defendants, and each of them.

25 31. For all of the above reasons, defendants, and each of them knew and know that this area
26 of track, at all times mentioned in this complaint, posed a local, specific individual safety hazard
27 as they knew and know that that this section of track, which is located between Hoover Middle
28 School and a populated residential area that children and others regularly, was and is consistently
and continuously crossed over and walked along by children get to and from school and by other
or to Santa Fe and Glen Avenues and/or G Street. As such defendants, and each of them, knew
and know that their failure to construct fencing or other impediment to prevent children and others

1 from walking over and along the tracks in this area constituted actual or constructive permission,
2 and/or authority and license by defendants, BNSF RAILWAY COMPANY and/or AMTRAK,
3 and each of them, to children and others to walk over and along this area of tracks. Defendants,
4 and each of them, actually or constructively knew further that their failure had created such
5 extensive public use and access of the tracks and land along this section of track that the children
6 and others that walked over and along the tracks were not trespassers but were, rather, invitees
7 with constructive or actual permission, authority and license from defendants, BNSF RAILWAY
8 COMPANY and/or AMTRAK, and each of them, to cross over and walk along the tracks.

9 32. This license to children and others to walk over and along this area of tracks was actually
10 or constructively created by defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and
11 each of them, because the presence of children and others walking along and over the tracks along
12 that stretch of track was actually known by defendants, BNSF RAILWAY COMPANY and/or
13 AMTRAK, and each of them, to be so regular, continuous, unimpeded, uninterrupted, and
14 anticipated by defendants, and each of them, that the conduct of defendants, BNSF RAILWAY
15 COMPANY and/or AMTRAK, and each of them, in not constructing fencing or other
16 impediments to children and others walking along and over the tracks could and can only be
17 reasonably interpreted by others as permission and authority from defendants, BNSF RAILWAY
18 COMPANY and/or AMTRAK.

19 33. Defendants, and each of them, by driving trains or by authorizing or permitting trains to
20 be driven at speeds of 60 miles per hour as authorized by 49 C.F.R. 213.9, through this area of
21 tracks that each of them knew, at all times mentioned in this complaint, posed a local, specific
22 individual safety hazard to children and others that crossed over and walked along the tracks and
23 that their failure to construct fencing or other impediments to prevent children and others from
24 crossing over and walking along the tracks had created an actual or constructive license for
25 children and others to walk over and along the tracks, exhibited such callous, reckless and wanton
26 indifference to the lives of children and others that the conduct of defendants, and each of them,
27 should be interpreted as intentional and wanton for which defendants, and each of them, are
28 subject to exemplary damages.

34. The deceased, DEJANI MONETTE HALL, was walking along the tracks instead of on
the dirt road because of the presence of trees and shrubs along the dirt road that was frequented
by homeless and transient people. As DEJANI MONETTE HALL began walking westbound

1 along the tracks an eastbound train was travelling on the northside track. Unknown to DEJANI
2 MONETTE HALL, AMTRAK train number 71704 was approaching her from behind. AMTRAK
3 train number 71704, despite entering this area of track that was known to pose a local, specific
4 individual safety hazard to children and others that were walking over and along the track with
5 the actual or constructive permission and authority of BNSF RAILWAY COMPANY and/or
6 AMTRAK, and each of them, was travelling toward DEJANI MONETTE HALL at 60 miles per
hour.

7 35. Defendant, JONATHAN STASKA, the engineer operating AMTRAK train number
8 71704, chose to enter this area of track without slowing down to a speed that would enable him
9 to avoid great bodily injury or death to children or others crossing over or walking along the tracks,
10 exhibiting a callous indifference to the risk of great bodily injury or death to children or others.

11 36. Shortly after passing through the train crossing on Glen Avenue, JONATHAN STASKA,
12 the engineer operating AMTRAK train number 71704, noticed DEJANI MONETTE HALL
13 walking along the southside of the tracks. JONATHAN STASKA, the engineer operating
14 AMTRAK train number 71704, sounded the train horn to get her attention and, after seeing that
15 she did not hear the train horn applied the emergency brakes to the train and approximately 1,000
16 feet west from the railroad crossing on Glen Avenue, approximately 700 feet west of the
17 pedestrian underpass, and 20 seconds or less after JONATHAN STASKA, the engineer operating
18 AMTRAK train number 71704, noticed DEJANI MONETTE HALL, walking along the tracks,
19 AMTRAK train number 71704 struck DEJANI MONETTE HALL from behind without her
having any opportunity to take evasive action to avoid being struck.

20 37. After DEJANI MONETTE HALL was struck, JONATHAN STASKA, the engineer
21 operating AMTRAK train number 71704, stopped the train and defendants, JONATHAN
22 STASKA, DENISE HOGG, and MICHAEL JOHN TORRENCE, exited the train and approached
23 her body. Although she was still alive, rather than attempt to begin CPR or do any act to prevent
24 her from dying, defendants, JONATHAN STASKA, DENISE HOGG, and MICHAEL JOHN
TORRENCE, covered her with a blue tarp and waited for emergency personnel to arrive.

25 38. On arrival at the area where DEJANI MONETTE HALL lay covered with blue tarp,
26 Merced Police Officer Cruz, badge number 226, noticed that DEJANI MONETTE HALL was
27 still breathing and he began CPR and continued it until the Riggs Ambulance crew arrived.
28

1 Shortly after the Riggs Ambulance crew arrived, they pronounced DEJANI MONETTE HALL
2 deceased.

3 39. It is presumed that DEJANI MONETTE HALL mistook the train horn being sounded by
4 AMTRAK train number 71704 either being farther behind her than it actually was or as the train
5 horn to eastbound train on the northside track.

6 FIRST CAUSE OF ACTION

7 (Gross and Negligence of Carrier)

8 (California Civil Code §§ 1714(a), 3333)

9 (All defendants)

10 40. Plaintiff hereby refers to Paragraphs 1 through 39 of this Complaint and incorporates them
11 by reference herein and makes them a part hereof as if stated again herein in full.

12 41. At all times herein mentioned, defendants, and each of them, knew that area of track where
13 DEJANI MONETTE HALL was struck, injured and killed was a local, specific individual safety
14 hazard and that the failure of defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and
15 each of them, to construct fencing or other impediments to prevent children and others from
16 crossing over and walking along the tracks had created an actual or constructive license for
17 children and others to walk over and along the tracks.

18 42. As a result of the above, BNSF RAILWAY COMPANY and/or AMTRAK, and each of
19 them, had a duty to construct fencing or other impediments to prevent children and others from
20 crossing over and walking along the tracks and they failed to do so.

21 43. As a result of their failure, BNSF RAILWAY COMPANY and/or AMTRAK, and each
22 of them, actually and/or constructively gave permission and/or authorized children and others to
23 cross over and walk along this area of track.

24 44. Despite the actual and constructive knowledge by defendants, and each of them, of this
25 specific individual safety hazard and the license for children and others to cross over and walk
26 along the tracks granted by BNSF RAILWAY COMPANY and/or AMTRAK, and each of them,
27 defendants, and each of them, drove AMTRAK train number 71704, or permitted it to be driven,
28 through the area of track where DEJANI MONETTE HALL was struck at speeds of 60 miles per
hour as authorized by 49 C.F.R. 213.9, instead of at a speed that would reduce the risk of great
bodily injury or death to children or others crossing over walking along the track.

1 45. Such actions by defendants, and each of them, or failure to act exhibits a conscious and
2 callous indifference to, or disregard of, probable great bodily injury or death to children and others,
3 including DEJANI MONETTE HALL, by defendants, and each of them, and constitutes gross
4 negligence.

5 46. As an actual and proximate result of the deliberate, wanton, conscious and callous
6 indifference to the potential for great bodily injury or death to children and others, including
7 DEJANI MONETTE HALL, their gross or other negligence, DEJANI MONETTE HALL, was
8 struck, injured and killed.

9 47. At all times prior to her death, DEJANI MONETTE was a faithful and dutiful daughter of
10 plaintiff, RANDY LEE HALL, whose loss he continues to mourn today.

11 48. As an actual and proximate result of the acts, or failure to act, by defendants, and each of
12 them, that resulted in the death of DEJANI MONETTE HALL, plaintiff, RANDY LEE HALL,
13 has sustained pecuniary loss resulting from the loss of the society, comfort, attention, services,
14 and support of decedent in the future.

15 49. As a further proximate result of the acts or failure to act, by defendants, and each of them,
16 plaintiff, RANDY LEE HALL, incurred funeral and burial expenses.

17 SECOND CAUSE OF ACTION

18 (Liability under Public Utilities Code § 2106)

19 (BNSF RAILWAY COMPANY and AMTRAK)

20 50. Plaintiff hereby refers to Paragraphs 1 through 49 of this Complaint and incorporates them
21 by reference herein and makes them a part hereof as if stated again herein in full.

22 51. At the times herein mentioned, defendants, BNSF RAILWAY COMPANY and/or
23 AMTRAK, and each of them, were a public utility owning, operating, controlling, or managing a
24 railroad line and system for the transportation of people or property, directly or indirectly to or
25 for the public.

26 52. At the times herein mentioned, defendants, BNSF RAILWAY COMPANY and/or
27 AMTRAK, and each of them, did or caused to be done, or permitted an act, matter, or thing to be
28 done, or omitted, or allowed others to omit to do an act, matter, or thing required to be done by
California law including, but not limited to, California Civil Code § 1714, in that defendants,
BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, deliberately, wantonly,
consciously and with callous indifference to the risk of great bodily injury or harm to children

1 and others and by want of ordinary care or skill in the training and management of their staff and
2 management of their property actually and proximately caused the death of DEJANI MONETTE
3 HALL and injury and suffering of RANDY LEE HALL.

4 53. Such acts or failures to act by defendants, and each of them, exhibited a deliberate, wanton,
5 conscious and callous indifference to, or disregard of, probable great bodily injury or death to
6 children and others, including DEJANI MONETTE HALL, by defendants, and each of them, and
7 constitutes indifference to gross negligence.

8 54. As an actual and proximate result of the deliberate, wanton, conscious and callous
9 indifference to the potential for great bodily injury or death to children and others, including
10 DEJANI MONETTE HALL, their gross or other negligence, DEJANI MONETTE HALL, was
11 struck, injured and killed.

12 55. At all times prior to her death, DEJANI MONETTE was a faithful and dutiful daughter of
13 plaintiff, RANDY LEE HALL, whose loss he continues to mourn today.

14 56. As an actual and proximate result of the acts, or failure to act, by defendants, and each of
15 them, that resulted in the death of DEJANI MONETTE HALL, plaintiff, RANDY LEE HALL,
16 has sustained pecuniary loss resulting from the loss of the society, comfort, attention, services,
17 and support of decedent in the future.

18 57. As a further proximate result of the acts or failure to act, by defendants, and each of them,
19 plaintiff, RANDY LEE HALL, incurred funeral and burial expenses.

20 THIRD CAUSE OF ACTION

(Dangerous Condition Creating Risk of Great Bodily Injury or Death)

(BNSF RAILWAY COMPANY and AMTRAK)

21 58. Plaintiff hereby refers to Paragraphs 1 through 57 of this Complaint and incorporates them
22 by reference herein and makes them a part hereof as if stated again herein in full.

23 59. At the times and place herein mentioned, defendants, BNSF RAILWAY COMPANY
24 and/or AMTRAK, and each of them, deliberately, wantonly, consciously and with callous
25 indifference to or with disregard of the probable great bodily injury or death to children and others,
26 including DEJANI MONETTE HALL, failed to maintain, mismanaged, failed to control, or
27 engage in business on the above property that they, in some manner, either solely or individually,
28 they owned, controlled, operated, supervised, managed, secured, patrolled and/or maintained.

60. Such acts or failures to act that are described above constituted breach of duty to plaintiff, DEJANI MONETTE HALL and to Plaintiff, RANDY LEE HALL.

61. Defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, knew, or in the exercise of reasonable care should have known, that their acts or failures to act created a dangerous condition and unreasonable risk of harm.

62. Defendants, BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, deliberately, wantonly, consciously and callously and with indifference to the potential for great bodily injury or death to children and others, including DEJANI MONETTE HALL, failed to take steps to either make the condition safe or warn DEJANI MONETTE HALL of the dangerous conditions caused by their acts or failures to act including, but not limited to, warning that their trains were driving at a speed that was unsafe in light of the local, specific individual safety hazard created by the location of the tracks between the Hoover Middle School and the populated residential area and the trail and road along the tracks and their failure to construct fencing or other impediments to children and others walking over or along the tracks.

63. Such acts or failures to act by defendants, and each of them, exhibited a deliberate, wanton, conscious and callous indifference to, or disregard of, probable great bodily injury or death to children and others, including DEJANI MONETTE HALL, by defendants, and each of them, and constitutes indifference to gross negligence.

64. As an actual and proximate result of the deliberate, wanton, conscious and callous indifference to the potential for great bodily injury or death to children and others, including DEJANI MONETTE HALL, their gross or other negligence, DEJANI MONETTE HALL, was struck, injured and killed.

65. At all times prior to her death, DEJANI MONETTE was a faithful and dutiful daughter of plaintiff, RANDY LEE HALL, whose loss he continues to mourn today.

66. As an actual and proximate result of the acts, or failure to act, by defendants, and each of them, that resulted in the death of DEJANI MONETTE HALL, plaintiff, RANDY LEE HALL, has sustained pecuniary loss resulting from the loss of the society, comfort, attention, services, and support of decedent in the future.

67. As a further proximate result of the acts or failure to act, by defendants, and each of them, plaintiff, RANDY LEE HALL, incurred funeral and burial expenses.

FOURTH CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)

(All defendants)

68. Plaintiff hereby refers to Paragraphs 1 through 67 of this Complaint and incorporates them by reference herein and makes them a part hereof as if stated again herein in full.

69. Plaintiff, RANDY LEE HALL, is the father of the deceased, DEJANI MONETTE HALL, and, as such was a direct victim of the actions of and/or the failures to act by defendants, and each of them, alleged above.

70. Defendants, and each of them, knew, or should have known, that their acts or failure to act as alleged above would cause severe emotional distress to surviving members of her family including, but not limited to her father, RANDY LEE HALL.

71. As an actual and proximate result of the actions of and/or the failures to act by defendants, and each of them, alleged above plaintiff has suffered severe emotional distress or mental suffering for which he continues to suffer today, all to his lasting and permanent damage.

FIFTH CAUSE OF ACTION

(Wrongful Death)

(California Civil Code § 377.60)

(All defendants)

72. Plaintiff hereby refers to Paragraphs 1 through 71 of this Complaint and incorporates them by reference herein and makes them a part hereof as if stated again herein in full.

73. Plaintiff, RANDY LEE HALL, is entitled under California Code of Civil Procedure § 377.60(a) as he would be entitled to the property of the deceased, DEJANI MONETTE HALL, under the laws of intestate succession in the State of California in that DEJANI MONETTE HALL died without a surviving spouse, domestic partner, children, or issue of deceased children and he is her father and is entitled to the property of the deceased under California Probate Code § 6402(b).

74. As an actual and proximate result of the acts of or failure of act by defendants, and each of them, alleged above and of the death of decedent, DEJANI MONETTE HALL, plaintiff, RANDY LEE HALL, has sustained pecuniary loss resulting from the loss of the society, comfort, attention, services, and support of his daughter, DEJANI MONETTE HALL.

75. As a further actual and proximate result of the acts of or failure of act by defendants, and each of them, and of the death of decedent, DEJANI MONETTE HALL, plaintiff, RANDY LEE HALL, has incurred funeral and burial expenses.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays judgment as follows:

FOR THE FIRST CAUSE OF ACTION

1. For general damages according to proof;
2. For medical and related expenses for DEJANI MONETTE HALL according to proof;
3. For funeral and burial expenses for DEJANI MONETTE HALL according to proof;
4. For interest on all economic damages in the legal amount from the date of death of DEJANI MONETTE HALL, to the date of judgment;
5. For punitive damages;
6. For costs of suit herein incurred; and
7. For such other and further relief as the court may deem proper.

FOR THE SECOND CAUSE OF ACTION

Plaintiff prays judgment against defendants, BNSF RAILWAY COMPANY and/or AMTRAK and each of them, as follows:

1. For general damages according to proof;
2. For medical and related expenses for DEJANI MONETTE HALL according to proof;
3. For funeral and burial expenses for DEJANI MONETTE HALL according to proof;
4. For interest on all economic damages in the legal amount from the date of death of DEJANI MONETTE HALL, to the date of judgment;
5. For punitive damages;
6. For costs of suit herein incurred; and
7. For such other and further relief as the court may deem proper.

FOR THE THIRD CAUSE OF ACTION

Plaintiff prays judgment against BNSF RAILWAY COMPANY and/or AMTRAK, and each of them, as follows:

1. For general damages according to proof;
2. For medical and related expenses for DEJANI MONETTE HALL according to proof;
3. For funeral and burial expenses for DEJANI MONETTE HALL according to proof;

4. For interest on all economic damages in the legal amount from the date of death of DEJANI MONETTE HALL, to the date of judgment;
5. For punitive damages;
6. For costs of suit herein incurred; and
7. For such other and further relief as the court may deem proper.

FOR THE FOURTH CAUSE OF ACTION

Plaintiff prays judgment against defendants, and each of them, as follows:

1. For general damages according to proof;
2. For medical and related expenses for DEJANI MONETTE HALL according to proof;
3. For funeral and burial expenses for DEJANI MONETTE HALL according to proof;
4. For interest on all economic damages in the legal amount from the date of death of DEJANI MONETTE HALL, to the date of judgment;
5. For special damages according to proof;
6. For costs of suit herein incurred; and
7. For such other and further relief as the court may deem proper

FOR THE FIFTH CAUSE OF ACTION

Plaintiff prays judgment against defendant as follows:

1. For general damages for severe emotional distress and mental suffering according to proof;
2. For medical and related expenses for DEJANI MONETTE HALL according to proof;
3. For funeral and burial expenses for DEJANI MONETTE HALL according to proof;
4. For interest on all economic damages in the legal amount from the date of death of DEJANI MONETTE HALL, to the date of judgment;
5. For costs of suit herein incurred; and
6. For such other and further relief as the court may deem proper.

Dated this 17th Day of January 2020

By: 

Paul V. Gallegos
GALLEGOS LAW FIRM
Attorneys for Plaintiff,
RANDY LEE HALL

Exhibit 1

VINCENT CASTILLO, State Bar No. 209298
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Telephone: (415) 697-2000
Facsimile: (415) 813-2045

Attorneys for Defendants
NATIONAL RAILROAD PASSENGER CORPORATION
dba AMTRAK, JONATHAN STASKA, DENISE HOGG,
and MICHAEL JOHN TORRENCE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RANDY LEE HALL,

Plaintiff,

v.

AMTRAK, NATIONAL RAILROAD
PASSENGER CORPORATION
(AMTRAK), RICHARD H. ANDERSON
President and Chief Executive Officer,
ELEANOR D. ACHESON-Executive Vice
President and General Counsel &
Corporate Secretary, KENNETH
HYLANDER-Executive Vice President
and Chief Safety Officer, JONATHAN
STASKA-Engineer Driver, DENISE
HOGG-Conductor, MICHAEL JOHN
TORRENCE-Assistant Conductor, and
DOES 1 to 50, inclusive,

Defendants.

Case No. 3:19-cv-02312-LB

**NATIONAL RAILROAD PASSENGER
CORPORATION'S CERTIFICATION OF
INTERESTED ENTITIES**

Hon. Laurel Beeler

Trial: None set.

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1 National Railroad Passenger Corporation (Amtrak) is a District of Columbia corporation
2 that was authorized to be created by the Rail Passenger Service Act, 49 U.S.C. § 24101, et seq.

3 Amtrak has no parent corporation. It has two wholly owned subsidiaries: Passenger
4 Railroad Insurance Limited (PRIL) and Washington Terminal Company (WTC).

5 The United States holds, through the U.S. Secretary of Transportation, 100% of Amtrak's
6 preferred stock (109,396,994 shares at \$100 par value). Amtrak's common stock (9,385,694
7 shares at \$10 par value) is held by American Premier Underwriters, Inc. (55.8%; a wholly owned,
8 not publicly traded, subsidiary of American Financial Group, Inc., which is publicly traded),
9 Burlington Northern and Santa Fe LLC (35.7%; BNSF LLC is a wholly-owned, not publicly
10 traded, subsidiary of Berkshire Hathaway, which is publicly traded) Canadian Pacific Railway
11 (6.3%), and Canadian National Railway (2.2%). None of Amtrak's stock is publicly traded.

12
13
14 Respectfully submitted,

15 Dated: May 2, 2019

16 ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

17 By: /s/ Vincent Castillo
18 VINCENT CASTILLO
ALEXEI N. OFFILL-KLEIN
Attorneys for Defendants
19 NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK,
20 JONATHAN STASKA, DENISE HOGG, and
MICHAEL JOHN TORRENCE
21
22
23
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28

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
180 Montgomery Street, Suite 1200
San Francisco, California 94104

PROOF OF SERVICE

Randy Lee Hall v. Amtrak et al.

U.S. Northern District Case No. 3:19-cv-02312-LB

I am a resident of the State of California, over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is: 180 Montgomery Street, Suite 1200, San Francisco, California 94104. On May 2, 2019, I served the within:

NATIONAL RAILROAD PASSENGER CORPORATION'S CERTIFICATION OF INTERESTED ENTITIES

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Randy Lee Hall
1006 Regatta Point
Hercules, CA 94547

T: (510) 812-3139

Plaintiff Pro Per

☒ By United States Mail: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

☒ I declare under the laws of the United States of America that I am employed in the office of a member of the Bar of this court at whose direction the service was made and that the foregoing is true and correct.

Executed on May 2, 2019, at San Francisco, California.

/s/ Adrian Castaneda

Adrian Castaneda

Exhibit 2

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
 180 Montgomery Street, Suite 1200
 San Francisco, California 94104

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Attorneys for Defendants
 NATIONAL RAILROAD PASSENGER CORPORATION
 dba AMTRAK, JONATHAN STASKA, DENISE HOGG,
 and MICHAEL JOHN TORRENCE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RANDY LEE HALL,

Plaintiff,

v.

AMTRAK, NATIONAL RAILROAD
 PASSENGER CORPORATION
 (AMTRAK), RICHARD H. ANDERSON
 President and Chief Executive Officer,
 ELEANOR D. ACHESON-Executive Vice
 President and General Counsel &
 Corporate Secretary, KENNETH
 HYLANDER-Executive Vice President
 and Chief Safety Officer, JONATHAN
 STASKA-Engineer Driver, DENISE
 HOGG-Conductor, MICHAEL JOHN
 TORRENCE-Assistant Conductor, and
 DOES 1 to 50, inclusive,

Defendants.

Case No.

NOTICE OF REMOVAL BY DEFENDANTS

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ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
 180 Montgomery Street, Suite 1200
 San Francisco, California 94104

Defendants NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK (erroneously sued as “Amtrak, National Railroad Passenger Corporation (Amtrak)”), JONATHAN STASKA, DENISE HOGG, and MICHAEL JOHN TORRENCE (collectively, “Defendants”) allege as follows:

1. On August 2, 2018, plaintiff Randy Hall filed a Complaint in the Superior Court of the State of California, County of Contra Costa, entitled *Randy Lee Hall v. Amtrak, et al.*, Case No. C18-01545. The Complaint names as defendants NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK (erroneously sued as “Amtrak, National Railroad Passenger Corporation (Amtrak)”) and Amtrak employees RICHARD H. ANDERSON, ELEANOR D. ACHESON, KENNETH HYLANDER, JONATHAN STASKA, DENISE HOGG, and MICHAEL JOHN TORRENCE. A true and correct copy of that unverified Complaint is attached hereto as **Exhibit A**.

2. The Summons and Complaint were served upon NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK (“Amtrak”) on April 1, 2018.

3. This Court has original jurisdiction over plaintiff’s claims against Amtrak under 28 U.S.C. § 1331 because Amtrak was incorporated by an Act of Congress, 45 U.S.C. § 501, *et seq.*, and the United States of America owns more than 50% of Amtrak’s capital stock. 28 U.S.C. § 1349; *In re Rail Collision Near Chase, Maryland*, 680 F.Supp. 728, 731 (D.Md. 1987).

4. The removal of this action to this Court is proper under 28 U.S.C. § 1441(a) because this is a civil action over which the district courts of the United States have original jurisdiction, and this District Court embraces the place in which the state action is pending.

5. According to the Contra Costa County Superior Court’s online docket, plaintiff filed a First Amended Complaint on April 29, 2019. Defendant has not yet received a copy of the First Amended Complaint, but the online docket indicates that plaintiff has dismissed defendants Richard H. Anderson, Eleanor D. Acheson, and Kenneth Hylander.

6. Accordingly, this Notice of Removal is brought on behalf of each remaining named defendant, and each remaining named defendant joins and consents to removal.

7. Unidentified defendants sued as “Does” need not join in a Notice of Removal.

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
180 Montgomery Street, Suite 1200
San Francisco, California 94104

1 *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1313 (9th Cir. 1980).

2 8. Thus, this Notice of Removal is timely and proper.

3 9. A copy of the Notice of Removal to Federal Court that will be filed with the
4 Contra Costa County Superior Court is attached hereto as **Exhibit B**.

5 WHEREFORE, Defendants pray that this action be removed to this Court.

6
7
8 Respectfully submitted,

9 Dated: April 29, 2019

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

10
11 By: /s/ Alexei N. Offill-Klein

VINCENT CASTILLO

ALEXEI N. OFFILL-KLEIN

Attorneys for Defendants

12 NATIONAL RAILROAD PASSENGER
13 CORPORATION dba AMTRAK,
14 JONATHAN STASKA, DENISE HOGG, and
15 MICHAEL JOHN TORRENCE
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25
26
27
28

EXHIBIT A

1 RANDY LEE. HALL
2 1006 Regatta Point
3 Hercules, CA 94547
4 Tele: (510) 812-3139

5 Plaintiff, RANDY L. HALL
6 in *propria persona*

FILED
AUG 02 2018
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 COUNTY OF CONTRA COSTA
11
12 UNLIMITED JURISDICTION

PER LOCAL RULE, THIS
CASE IS ASSIGNED TO
DEPT. 4, FOR ALL
PURPOSES.

13 RANDY LEE. HALL,

14 Plaintiff,

15 v.

16 AMTRAK, NATIONAL RAILROAD
17 PASSENGER CORPORATION
18 (AMTRAK), RICHARD H. ANDERSON
19 President and Chief Executive Officer,
20 ELEANOR D. ACHESON-Executive Vice
21 President and General Counsel & Corporate
22 Secretary, KENNETH HYLANDER-
23 Executive Vice President and Chief Safety
24 Officer, JONATHAN STASKA-Engineer
25 Driver, DENISE HOGG-Conductor,
26 MICHAEL JOHN TORRENCE-Assistant
27 Conductor, and DOES 1 to 50, inclusive,
28

Defendants.

Case No.: **C18-01545**

COMPLAINT FOR DAMAGES

- 1) **First Cause of Action**
GROSS NEGLIGENCE
- 2) **Second Cause of Action**
Dangerous Condition of Public
and Private Property
For attorney fees and costs of suit

JURY TRIAL DEMAND

Plaintiff, RANDY L. HALL alleges as follows:

I.

General Allegations

Applicable to All Causes of Action

- 1 1. Plaintiff, RANDY L. HALL hereinafter ("HALL") is a resident of Hercules,
2 California and a resident of the State of California.
- 3 2. Defendant, JONATHAN STASKA-Engineer Driver of the Train which struck and
4 killed the victim Dejeni Monette Hall-who is the Daughter of Plaintiff Hall, DENISE
5 HOGG-Conductor and MICHAEL JOHN TORRENCE-Assistant Conductor of the
6 train assisted in the killing of victim Dejeni Monette Hall. The above individuals
7 personally and individually assisted in the striking and killing Ms. Hall and are trained
8 to drive and conduct the Amtrak trains in the state of California. Defendant,
9 AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK),,
10 is a Private Company which performs the service to the Public to transport Passengers
11 via Trains. Defendants, headquarters are located at 10 G St NW, Washington, DC
12 20001. Ms. Dejeni Monette Hall was killed in Merced California by defendants on
13 08/04/2016, August 04th, 2016 at approximately 18:40 while the deceased was walking
14 to the gyn to work out, as she takes the same route everyday to walk to the gym In-
15 Shape in Merced California.
- 16 3. Defendant, AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION
17 (AMTRAK), is a business which performs transportation of passengers including
18 children. Defendant, AMTRAK, NATIONAL RAILROAD PASSENGER
19 CORPORATION (AMTRAK), is located across the United State of America and in
20 Merced, California.
- 21 4. DOES 1-50 inclusive, are sued herein under fictitious names. Their true names and
22 capacities are unknown to Hall. When their true names and capacities are ascertained,
23 Hall will amend this complaint by inserting their true names and capacities herein.
24 Hall is informed and believes and thereon alleges that each of the fictitiously named
25 defendants is responsible in some manner for the occurrences herein alleged, and that
26 Hall's damages as herein alleged were proximately caused by those defendants. Each
27 reference in this complaint to "defendant," "defendants," or a specifically named
28 defendant refers also to all defendants sued under fictitious names.

- 1 5. At all times material as alleged herein, each defendant was the agent, servant and/or
- 2 employee of each of the remaining defendants, and acted within the purpose, scope
- 3 and course of said agency, service and employment, with the express and/or implied
- 4 knowledge, permission and consent of the remaining defendants, and each of them,
- 5 and each of said defendants ratified and approved the acts of the other defendants.
- 6 6. In or about August 04th of 2016, Dejeni M. Hall, was walking to the In-Shape gym as
- 7 she does regularly. Defendant, JONATHAN STASKA-Engineer is the Driver of the
- 8 Train which struck and killed the victim Dejeni Monette Hall. DENISE HOGG-
- 9 Conductor and MICHAEL JOHN TORRENCE-Assistant Conductor of the train
- 10 assisted in the killing of victim Dejeni Monette Hall. Neither of the three Defendants
- 11 assisted to preserved the life of Ms. Hall by attempting to administer CPR of any kind
- 12 and neither even stood by the victim Ms. Hall to comfort her-near her death in any
- 13 fashion, and allowed her to die at the hands of their negligent actions to her death.
- 14 7. AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
- 15 8. After providing all alleged training to it's employees failed and refused to train it's
- 16 employees to render any type of first aid to a "victim(s)" Ms. Hall-struck by their
- 17 employees via it's train in the City of Merced, state of California.
- 18 9. Dejeni M. Hall was injured then killed as a result of these inadequate and non-initiated
- 19 First Aid, lack of training of AMTRAK employees, and lack of life sustaining devices
- 20 installed to alert the hearing impaired, Victim Ms. Hall, near an approaching train.
- 21 10. Defendants' conduct was malicious, fraudulent, and oppressive, and justifies the
- 22 imposition of punitive damages for his/their gross negligence.

II.

First Cause of Action

GROSS NEGLIGENCE

(Against all defendants)

- 28 12. COMES NOW, PLAINTIFFS, RANDY LEE. HALL WHO COMPLAINS AND

1 ALLEGES AGAINST DEFENDANTS AND EACH OF THEM, AS FOLLOWS:

2 13. (For Negligence Against Defendants AMTRAK, NATIONAL RAILROAD
3 PASSENGER CORPORATION (AMTRAK), RICHARD H. ANDERSON President
4 and Chief Executive Officer, ELEANOR D. ACHESON-Executive Vice President
5 and General Counsel & Corporate Secretary, KENNETH HYLANDER-Executive
6 Vice President and Chief Safety Officer, JONATHAN STASKA-Engineer Driver,
7 DENISE HOGG-Conductor, MICHAEL JOHN TORRENCE-Assistant Conductor,
8 and DOES 1 to 50, inclusive the following cause of action against defendants:

9 14. Plaintiff, RANDY LEE. HALL is, and at all times herein mentioned are, individuals
10 residing in the County of Contra Costa, State of California.

11 The true names and/or capacities, whether individual, corporate, associate or
12 otherwise of defendants 1 through 50, inclusive, are unknown to plaintiff at this time
13 who, therefore, sue said defendants by such fictitious names. Plaintiffs are informed
14 and believe and thereupon alleges that each of the defendants fictitiously named
15 herein as a Doe is legally responsible, negligently or in some other actionable manner,
16 for the events and happenings hereinafter referred to and that the acts and omissions of
17 said defendants was a legal cause of the injury to plaintiffs and the resulting injury and
18 damages to plaintiff as hereinafter alleged. Plaintiff will amend this Complaint to
19 assert the true names and/or capacities of such fictitiously named defendants when the
20 same have been ascertained.

21 15. Plaintiff are informed and believe and thereupon alleges that, at all times mentioned
22 herein, defendants were the agents, servants, employees, successors-in-interest and/or
23 joint venturers of their co-defendants and were, as such, acting within the purpose,
24 course, scope and authority of said agency, employment, successor-in-interest and/or
25 joint venture and that each and every defendant as aforesaid was acting as a principle
26 and was negligent in the selection and hiring and retention of each and every
27 defendant as an agent, employee, successor-in-interest and/or joint venturer.

28 At all times mentioned herein, defendant AMTRAK, NATIONAL RAILROAD

PASSENGER CORPORATION (AMTRAK) NORTHERN CALIFORNIA REGION dba (hereinafter "AMTRAK") were and now are private entities duly organized and existing under and by virtue of the laws of the State of California and authorized to do, and doing, business in the State of California with their principal place of business in Washington D.C.; said defendants were at all times herein mentioned, and now are, engaged in the business of a common carrier by railroad in the State of California.

16. On or about August 04th, 2016, the plaintiff daughter, Dejeni Monette Hall, was walking to the gym on her normal route to In-Shape in Merced California and was struck from behind. Ms. Hall is "hearing impaired." and could not foresee being hit/pushed by a AMTRAK locomotive along side of the railroad tracks in the City Merced in the County of Merced, State of California. Plaintiff are informed and believe and thereon allege that at all times mentioned herein, said train, locomotive, railroad operations, tracks and adjoining railroad tracks and the railroad right of way on which they were located (herein after "said property") were owned, controlled, operated, managed, constructed, maintained, repaired, designed, evaluated, built, overseen, patrolled and supervised by AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive.
17. On or about August 04th, 2016, and prior thereto, defendants AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive, were responsible for maintaining and ensuring the safe use and proper condition of said railroad operations and property, including railroad crossings, locomotives, trains, signs, signals, switches, safety devices, **communication devices and other equipment at and along said property, and for properly and safely managing, overseeing and coordinating the travel of railroad trains upon and along said property and for properly and safely managing, overseeing and coordinating the travel** and owed the highest degree of care to the victim Dejeni Monette Hall, and her father Randy Lee. Hall plaintiff.

On or about August 04th, 2016, AMTRAK, NATIONAL RAILROAD PASSENGER

1 CORPORATION (AMTRAK), and Does 1 through 50, inclusive, negligently,
 2 carelessly and wrongfully owned, controlled, operated, managed, constructed,
 3 maintained, repaired, designed, evaluated, built, oversaw, patrolled and supervised its
 4 railroad trains, said property and the approach Ms. Hall so as to cause the train on
 5 which the plaintiffs daughter, DeJani Hall, was walking near the track, without any
 6 communication from the train to hit her and striking her to her eventual death.
 7 Thereafter leaving her along the side tract to die, while she was still alive and did
 8 nothing, by attempting her to any comfort measures towards her demise, and thereby
 9 cause injuries to the plaintiff. Furthermore, AMTRAK, NATIONAL RAILROAD
 10 PASSENGER CORPORATION (AMTRAK), Does 1 through 50, inclusive,
 11 negligently, carelessly and wrongfully failed to take reasonable steps/precautions to
 12 prevent minimal injury to its victim by administering CPR-comfort measures, and
 13 preventing death of hearing impaired public individuals near their approaching train to
 14 alarm them of harm and to guard them from injury and death.

15 18. As a result of the conduct and negligence of defendants, and each of them, plaintiff
 16 DeJani Monette Hall, sustained injuries, including but not limited to, Hairline fracture
 17 of skull at vertex, Acute subarachnoid hemorrhage, lacerations and contusions of
 18 forehead and scalp, fracture-subluxation of cervical spine at C1-C2, with fractures of
 19 Cs, posterior fractures of multiple right ribs, superficial capsular lacerations of liver
 20 and spleen, stretch-type lacerations of both renal arteries with retro-peritoneal
 21 hemorrhage, separation of left acromial-clavicular joint, fractures of right tibia and
 22 fibula, abrasions and contusion of posterior neck and extremities, lacerations of right
 23 lower leg of this pedestrian. By reason of said negligence. Plaintiffs will ask leave to
 24 amend this Complaint to show the exact amounts incurred or will offer proof thereof
 25 at the time of trial.

26 19. As a result of said conduct and negligence of defendants, and each of them, plaintiff
 27 Randy Lee. Hall, has been emotionally distressed since the killing of his only
 28 Daughter, not able to work at his usual pace at within his occupation and has lost

1 wages and earnings thereby; plaintiffs allege on information and belief that plaintiffs
 2 will lose further wages and earnings in the future by reason of said negligence.
 3 Plaintiffs do not know the total amount of wages or earnings lost or to be lost and will
 4 ask leave to amend this Complaint to show the same when ascertained or will offer
 5 proof thereof at the time of trial. AMTRAK, NATIONAL RAILROAD
 6 PASSENGER CORPORATION (AMTRAK), Plaintiff did not need to submit a
 7 government Claim for Damages due to the fact that "AMTRAK" is a Private
 8 Company.

- 9 20. Hall refers to and incorporates by reference the allegations of paragraphs 1 through 19
 10 as though again fully set forth herein.
 11 21. As a proximate result of Defendants' conduct, HALL has suffered damages to be
 12 proven at the time of trial and totaling in excess of \$15,000,000.
 13 22. WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

14 III.

15 Second Cause of Action

16 Dangerous Condition of Public and Private Property

17 (Against all defendants)

- 18 23. (For Dangerous Condition of Public and Private Property Against Defendants,
 19 AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK),
 20 and Does 1 through 50, inclusive)
 21 Plaintiffs incorporate by reference as though fully set forth herein each and every fact,
 22 claim and allegation contained in the prior paragraphs.
 23 24. On August 04th, 2016, and prior thereto, AMTRAK, NATIONAL RAILROAD
 24 PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive, are,
 25 and at all times relevant herein were, the entities who owned, controlled, operated,
 26 managed, designed, evaluated, constructed, maintained, built, oversaw, repaired,
 27 patrolled, and supervised said property and the approach to said property along the
 28 tracks in the City of Merced, California.

On August 04th 2016, Victim Ms. Dejeni Monette Hall, was walking in a lawful and foreseeable manner as a pedestrian exercising due care on the public property when suddenly and without warning to her, AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), struck her causing severe injuries to her death.

25. Plaintiff, RANDY LEE. HALL is, and at all times herein mentioned are, individuals residing in the County of Contra Costa, State of California.

The true names and/or capacities, whether individual, corporate, associate or otherwise of defendants 1 through 50, inclusive, are unknown to plaintiff at this time who, therefore, sue said defendants by such fictitious names. Plaintiffs are informed and believe and thereupon alleges that each of the defendants fictitiously named herein as a Doe is legally responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to and that the acts and omissions of said defendants was a legal cause of the injury to plaintiffs and the resulting injury and damages to plaintiff as hereinafter alleged. Plaintiff will amend this Complaint to assert the true names and/or capacities of such fictitiously named defendants when the same have been ascertained.

26. Plaintiff are informed and believe and thereupon alleges that, at all times mentioned herein, defendants were the agents, servants, employees, successors-in-interest and/or joint venturers of their co-defendants and were, as such, acting within the purpose, course, scope and authority of said agency, employment, successor-in-interest and/or joint venture and that each and every defendant as aforesaid was acting as a principle and was negligent in the selection and hiring and retention of each and every defendant as an agent, employee, successor-in-interest and/or joint venturer.

At all times mentioned herein, defendant AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) NORTHERN CALIFORNIA REGION dba (hereinafter "AMTRAK") were and now are private entities duly organized and existing under and by virtue of the laws of the State of California and authorized to

do, and doing, business in the State of California with their principal place of business in Washington D.C.; said defendants were at all times herein mentioned, and now are, engaged in the business of a common carrier by railroad in the State of California.

27. On or about August 04th, 2016, the plaintiff only daughter, Dejeni Monette Hall, was walking to the gym on her normal route to In-Shape in Merced California and was struck from behind. Ms. Hall is "hearing impaired." and could not foresee being hit/pushed by a AMTRAK locomotive along side of the railroad tracks in the City Merced in the County of Merced, State of California. Plaintiff are informed and believe and thereon allege that at all times mentioned herein, said train, locomotive, railroad operations, tracks and adjoining railroad tracks and the railroad right of way on which they were located (herein after "said property") were owned, controlled, operated, managed, constructed, maintained, repaired, designed, evaluated, built, overseen, patrolled and supervised by AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive.
28. On or about August 04th, 2016, and prior thereto, defendants AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive, were responsible for maintaining and ensuring the safe use and proper condition of said railroad operations and property, including railroad crossings, locomotives, trains, signs, signals, switches, safety devices, **communication devices and other equipment at and along said property, and for properly and safely managing, overseeing and coordinating the travel of railroad trains upon and along said property and for properly and safely managing, overseeing and coordinating the travel** and owed the highest degree of care to the victim Dejeni Monette Hall, and her father Randy Lee. Hall plaintiff.
29. On or about August 04th, 2016, AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), and Does 1 through 50, inclusive, negligently, carelessly and wrongfully owned, controlled, operated, managed, constructed, maintained, repaired, designed, evaluated, built, oversaw, patrolled and supervised its

1 railroad trains, said property and the approach Ms. Hall so as to cause the train on
 2 which the plaintiffs daughter, Dejeni Hall, was walking near the track, without any
 3 communication from the train to hit her and striking her to her eventual death.
 4 Thereafter leaving her along the side of the track to die while she was still alive and
 5 did nothing by attempting her to any comfort towards her demise, and thereby cause
 6 injuries to the plaintiff. Furthermore, AMTRAK, NATIONAL RAILROAD
 7 PASSENGER CORPORATION (AMTRAK), Does 1 through 50, inclusive,
 8 negligently, carelessly and wrongfully failed to take reasonable steps/precautions to
 9 prevent minimal injury to its victim by administering CPR-comfort measures, and
 10 preventing death of hearing impaired public individuals near their approaching train to
 11 alarm them of harm and to guard them from injury and death. This company had no
 12 such devices in-place to prevent (any) hearing impaired individual to be able to move
 13 from an approaching train.

14 30. As a result of the conduct and negligence of defendants, and each of them, plaintiffs
 15 only daughter Dejeni Monette Hall, sustained injuries, including but not limited to,
 16 Hairline fracture of skull at vertex, Acute subarachnoid hemorrhage, lacerations and
 17 contusions of forehead and scalp, fracture-subluxation of cervical spine at C1-C2,
 18 with fractures of Cs, posterior fractures of multiple right ribs, superficial capsular
 19 lacerations of liver and spleen, stretch-type lacerations of both renal arteries with
 20 retro-peritoneal hemorrhage, separation of left acromial-clavicular joint, fractures of
 21 right tibia and fibula, abrasions and contusion of posterior neck and extremities,
 22 lacerations of right lower leg of this pedestrian. By reason of said negligence.
 23 Plaintiffs will ask leave to amend this Complaint to show the exact amounts incurred
 24 or will offer proof thereof at the time of trial.

25 31. As a result of said conduct and negligence of defendants, and each of them, plaintiff
 26 Randy Lee. Hall, has been emotionally distressed since the killing of his only
 27 Daughter, not able to work at his usual pace at within his occupation and has lost
 28 wages and earnings thereby; plaintiffs allege on information and belief that plaintiffs

will lose further wages and earnings in the future by reason of said negligence. Plaintiffs do not know the total amount of wages or earnings lost or to be lost and will ask leave to amend this Complaint to show the same when ascertained or will offer proof thereof at the time of trial. AMTRAK, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK), Plaintiff did not need to submit a government Claim for Damages due to the fact that "AMTRAK" is a Private Company.

32. Hall refers to and incorporates by reference the allegations of paragraphs 1 through 19 as though again fully set forth herein.

33. As a proximate result of Defendants' conduct, HALL has suffered damages to be proven at the time of trial and totaling in excess of \$15,000,000.00.

34. WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

First Cause of Action

GROSS NEGLIGENCE

(As against all Defendants)

35. WHEREFORE, HALL prays:

For HALL's First Cause of Action for - Gross Negligence:

36. For special damages;

37. For general damages;

38. For punitive damages;

39. For attorney fees and costs of suit herein incurred; and

40. For such other and further relief as this Court may deem proper.

Second Cause of Action

Dangerous Condition of Public and Private Property

(As against all Defendants)

41. For special damages;

42. For general damages;

43. For punitive damages;

- 1 44. For attorney fees and costs of suit herein incurred; and
2 45. For such other and further relief as this Court may deem proper.
3
4

5 Dated: August 02, 2018
6

By: 

RANDY LEE HALL
Plaintiff in pro per
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EXHIBIT B

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
 180 Montgomery Street, Suite 1200
 San Francisco, California 94104

VINCENT CASTILLO, State Bar No. 209298
 vcastillo@aghwlaw.com
 ALEXEI N. OFFILL-KLEIN, State Bar No. 288448
 aklein@aghwlaw.com
 ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP
 180 Montgomery Street, Suite 1200
 San Francisco, CA 94104
 Telephone: (415) 697-2000
 Facsimile: (415) 813-2045

Attorneys for Defendants
 NATIONAL RAILROAD PASSENGER
 CORPORATION dba AMTRAK, JONATHAN STASKA,
 DENISE HOGG, and MICHAEL JOHN TORRENCE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

RANDY LEE HALL,

Plaintiff,

v.

AMTRAK, NATIONAL RAILROAD
 PASSENGER CORPORATION
 (AMTRAK), RICHARD H. ANDERSON
 President and Chief Executive Officer,
 ELEANOR D. ACHESON-Executive Vice
 President and General Counsel &
 Corporate Secretary, KENNETH
 HYLANDER-Executive Vice President
 and Chief Safety Officer, JONATHAN
 STASKA-Engineer Driver, DENISE
 HOGG-Conductor, MICHAEL JOHN
 TORRENCE-Assistant Conductor, and
 DOES 1 to 50, inclusive,

Defendants.

Case No. MSC18-01545

[ASSIGNED TO HON. JILL FANNIN, DEPT. 21,
 FOR ALL PURPOSES]

DEFENDANTS' NOTICE OF REMOVAL

Action Filed: August 2, 2018
 Trial Date: None Set

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1 TO THE COURT AND PLAINTIFF IN PRO PER:

2 NOTICE IS HEREBY GIVEN that Defendants NATIONAL RAILROAD PASSENGER
3 CORPORATION dba AMTRAK (erroneously sued as "AMTRAK, NATIONAL RAILROAD
4 PASSENGER CORPORATION (AMTRAK)"), JONATHAN STASKA, DENISE HOGG, and
5 MICHAEL JOHN TORRENCE have filed a Notice of Removal of the above-captioned action, *a*
6 *copy of which is attached hereto as Exhibit 1*, with the United States District Court for the
7 Northern District of California.

8 PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. §1446(b), the filing of
9 said Notice in the United States District Court, together with the filing of said Notice with this
10 court, effects the removal of this action, and the above-captioned Court may proceed no further
11 unless and until the case has been remanded.

12
13
14 Dated: April 29, 2019

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

15
16
17 By: 

VINCENT CASTILLO
ALEXEI N. OFFILL-KLEIN
Attorneys for Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK, JONATHAN
STASKA, DENISE HOGG, and MICHAEL
JOHN TORRENCE

PROOF OF SERVICE

Randy Lee Hall v. Amtrak et al.

Contra Costa Superior Court, Case No. MSC18-01545

I am a resident of the State of California, over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is: 180 Montgomery Street, Suite 1200, San Francisco, California 94104. On April 29, 2019, I served the within:

DEFENDANTS' NOTICE OF REMOVAL

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Randy Lee Hall
1006 Regatta Point
Hercules, CA 94547

T: (510) 812-3139

Plaintiff Pro Per

☒ By United States Mail: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 29, 2019, at San Francisco, California.


Adrian Castaneda

PROOF OF SERVICE
Randy Lee Hall v. Amtrak et al.
 U.S. Northern District Case No.

I am a resident of the State of California, over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is: 180 Montgomery Street, Suite 1200, San Francisco, California 94104. On April 29, 2019, I served the within:

NOTICE OF REMOVAL BY DEFENDANTS

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Randy Lee Hall
 1006 Regatta Point
 Hercules, CA 94547

T: (510) 812-3139

Plaintiff Pro Per

☒ By United States Mail: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

☒ I declare under the laws of the United States of America that I am employed in the office of a member of the Bar of this court at whose direction the service was made and that the foregoing is true and correct.

Executed on April 29, 2019, at San Francisco, California.

/s/ Adrian Castaneda

Adrian Castaneda

Exhibit 3

DE-140

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): RANDY LEE. HALL 1006 Regatta Pt. Hercules, CA 94547 ATTORNEY FOR (Name): Personal Representative in Pro Per SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 725 Court Street MAILING ADDRESS: 725 Court Street CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Wakefield Taylor Courthouse ESTATE OF (Name): <div style="text-align: center;">Dejani M. Hall</div> <div style="text-align: right;">DECEDENT</div>	TELEPHONE AND FAX NOS.: <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">2019 SEP -3 A 11: 57</div> <div style="text-align: center;">KATE BRUKER CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CA</div> <div style="text-align: center;">BY: <u>WEBER DEPUTY CLERK</u></div> <div style="text-align: center;">CASE NUMBER: P19-01290</div>
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> ORDER FOR PROBATE ORDER <input type="checkbox"/> Executor APPOINTING <input type="checkbox"/> Administrator with Will Annexed <input type="checkbox"/> Administrator <input checked="" type="checkbox"/> Special Administrator <input type="checkbox"/> Order Authorizing Independent Administration of Estate <input type="checkbox"/> with full authority <input type="checkbox"/> with limited authority </div> <div style="width: 35%; text-align: center;"> WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED. </div> </div>	

1. Date of hearing: 9-3-19 Time: **EX PARTE** Dept./Room: 14 Judge: **JOHN H SUGIYAMA**
THE COURT FINDS

2. a. All notices required by law have been given.
 b. Decedent died on (date): August 04, 2016
 (1) ☒ a resident of the California county named above.
 (2) ☐ a nonresident of California and left an estate in the county named above.
 c. Decedent died
 (1) ☐ intestate
 (2) ☐ testate
 and decedent's will dated: _____ and each codicil dated: _____
 was admitted to probate by Minute Order on (date): _____

THE COURT ORDERS3. (Name): **RANDY LEE. HALL**

is appointed personal representative:

- a. ☐ executor of the decedent's will
 b. ☐ administrator with will annexed
 c. ☐ administrator

- d. ☒ special administrator
 (1) ☐ with general powers
 (2) ☐ with special powers as specified in Attachment 3d(2)
 (3) ☒ without notice of hearing
 (4) ☒ letters will expire on (date): 6-3-20 20

and letters shall issue on qualification.

4. a. ☐ **Full authority** is granted to administer the estate under the Independent Administration of Estates Act.
 b. ☐ **Limited authority** is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
 5. a. ☒ Bond is not required.
 b. ☐ Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
 c. ☐ Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____ and receipts shall be filed. No withdrawals shall be made without a court order. ☐ Additional orders in Attachment 5c.
 d. ☒ The personal representative is not authorized to take possession of money or any other property without a specific court order.
 6. ☐ (Name): _____ is appointed probate referee.

Date: 9/3/197. Number of pages attached: 0

JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

Exhibit 4

DE-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): RANDY LEE. HALL 1006 Regatta Pt. Hercules, CA 94547	TELEPHONE AND FAX NOS.:
FOR COURT USE ONLY	
<div style="font-size: 2em; font-weight: bold; margin: 0;">FILED</div> <div style="font-size: 1.2em; margin: 5px 0;">2019 SEP -3 A 11:10</div> <div style="font-size: 0.8em; margin: 0;">KATE BICKER CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CA</div> <div style="font-size: 0.8em; margin: 0;">BY: <u>WEEDER, DEPUTY CLERK</u></div>	
ATTORNEY FOR (Name): Personal Representative in Pro Per SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: 725 Court Street CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Wakefield Taylor Courthouse	
ESTATE OF (Name): <div style="text-align: center; font-size: 1.2em;">Dejani M. Hall</div> <div style="text-align: right; font-size: 0.8em;">DECEDENT</div>	
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED </div> <div style="text-align: center;"> LETTERS <input checked="" type="checkbox"/> OF ADMINISTRATION <input checked="" type="checkbox"/> SPECIAL ADMINISTRATION </div> </div>	
CASE NUMBER: <div style="font-size: 1.2em; font-weight: bold;">P19-01290</div>	

LETTERS

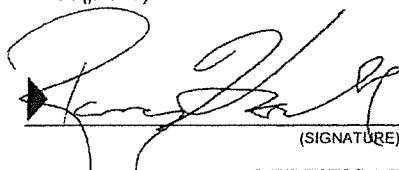
1. ☐ The last will of the decedent named above having been proved, the court appoints (name):
 - a. ☐ executor.
 - b. ☐ administrator with will annexed.
2. ☒ The court appoints (name):
RANDY LEE. HALL
 - a. ☐ administrator of the decedent's estate.
 - b. ☒ special administrator of decedent's estate
 - (1) ☐ with the special powers specified in the Order for Probate.
 - (2) ☐ with the powers of a general administrator.
 - (3) ☒ letters will expire on (date) 06-03-20
3. ☒ The personal representative is authorized to administer the estate under the Independent Administration of Estates Act ☒ with full authority ☐ with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4. ☒ The personal representative is not authorized to take possession of money or any other property without a specific court order.

AFFIRMATION

1. ☐ PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2. ☒ INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. ☐ INSTITUTIONAL FIDUCIARY (name):

I solemnly affirm that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
 (Name and title):

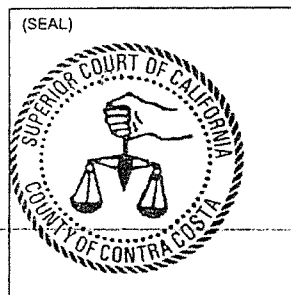
- 9-3-19
4. Executed on (date): MARTINEZ
 at (place): _____, California.


 (SIGNATURE)

CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.


WITNESS, clerk of the court, with seal of the court affixed.

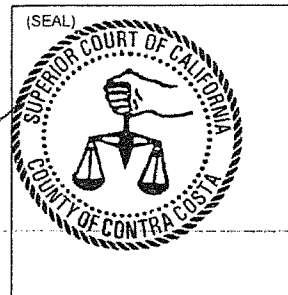


Date:

SEP 03 2019

Clerk, by


 (DEPUTY) D. WEEDER



Date:

SEP 03 2019

Clerk, by



 (DEPUTY) D. WEEDER

Exhibit 5

JAN-20-2005 12:11

A0622794

P. 02

NCTO

0594986

FILED
in the office of the Secretary of State
of the State of California

JAN 21 2005

Kevin Shelley
KEVIN SHELLEY, Secretary of State

**AMENDED STATEMENT BY
FOREIGN CORPORATION**

BNSF Railway Company

(Name of Corporation)

_____, a corporation organized
and existing under the laws of Delaware, and which is presently
(State or Place of Incorporation)

qualified for the transaction of intrastate business in the State of California, makes the
following statement:

That the name of the corporation has been changed to that hereinabove set forth and
that the name relinquished at the time of such change was _____

The Burlington Northern and Santa Fe Railway Company

BNSF Railway Company

(Name of Corporation)

[Signature]
(Signature of Corporate Officer)

Craig N. Smetko, Asst. Secretary

(Typed Name and Title of Officer Signing)

JAN-21-2005 12:47

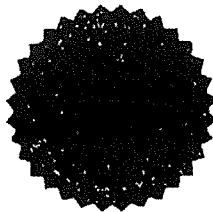
P.02

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY", FILED A RESTATED CERTIFICATE, CHANGING ITS NAME TO "BNSF RAILWAY COMPANY", THE TWENTIETH DAY OF JANUARY, A.D. 2005, AT 8:53 O'CLOCK A.M.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

0561728 8320

AUTHENTICATION: 3628903

050048119

DATE: 01-20-05

TOTAL P.02

Exhibit 6



State of California Secretary of State

Statement of Information

(Foreign Corporation)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F

G459743

FILED

In the office of the Secretary of State
of the State of California

MAR-05 2019

This Space for Filing Use Only

1. CORPORATE NAME

BNSF RAILWAY COMPANY

2. CALIFORNIA CORPORATE NUMBER

C0594986

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 13.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY STATE ZIP CODE
2650 LOU MENK DRIVE, FORT WORTH, TX 76131

5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY CITY STATE ZIP CODE
740 CARNEGIE DRIVE, SAN BERNARDINO, CA 92408

6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4 CITY STATE ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/ ADDRESS CITY STATE ZIP CODE
CARL R ICE 2650 LOU MENK DRIVE, FORT WORTH, TX 76131

8. SECRETARY ADDRESS CITY STATE ZIP CODE
JUDY K. CARTER 2650 LOU MENK DRIVE, FORT WORTH, TX 76131

9. CHIEF FINANCIAL OFFICER/ ADDRESS CITY STATE ZIP CODE
JULIE A PIGGOTT 2650 LOU MENK DRIVE, FORT WORTH, TX 76131

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

10. NAME OF AGENT FOR SERVICE OF PROCESS

CT CORPORATION SYSTEM

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE

Type of Business

12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
RAIL FREIGHT CARRIER

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

03/05/2019

AMY CASTRO

COMPLIANCE MANAGER

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

CERTIFICATE OF SERVICE

Randy Lee Hall v Amtrak, et al.

U.S. Northern District Case No.: 3:19-cv-02312-WHA

I am a resident of the State of California, over 18 years of age and not a party to the within action. I am employed in the City of Eureka, located within the County of Humboldt in the State of California. The address of my employment is 804 Third Street, Suite C, Eureka, California 95501.

I served the following:

SECOND AMENDED COMPLAINT

for NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"), JONATHAN STASKA, DENISE HOGG, and MICHAEL JOHN TORRENCE

On all parties in this action, as identified and addressed below, by causing a true and correct copy thereof to be distributed as follows:

Vincent Castillo, State Bar No. 209298
ALLEN, GLAESSNER, HAZELWOOD &
WERTH, LLP
180 Montgomery Street, Suite 1200
San Francisco, CA 94104

☐ By United States mail. I am a resident of Humboldt County. I enclosed the documents described above in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope or package for collection and mailing in the City of Eureka, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing envelopes or packages for mailing and that practice is to deposit envelopes and packages with the United States Postal Service, postage prepaid, on the same day that is indicated on the proof of service. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one date after the date of deposit for mailing an affidavit.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Date: 1/17/2020

By: 
Jaret Barrera